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BOARD OF INDUSTRIAL RELATIONS

ANNUAL REPORT

1962

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This report is a synopsis of the activities of the Board of Industrial Relations in the administration of The Alberta Labour Act during 1961.

Part I and IV of The Act inclusive deal with Hours of Work, Minimum Wages, Labour Welfare, Vacation Pay and Industrial Standards Schedules.

Part V sets forth procedure for the purpose of Collective Bargaining.

Part VI sets forth procedure where female employees, who are employed by employers to perform identical or substantially identical work as males, may register claims for equal pay.

This report deals with those phases of the Board's work in giving assistance to workers and employers and affecting just and friendly settlements of all disputes.

PART I TO IV INCLUSIVE

	January 1/60 December 31/60	January 1/61 December 31/61	January 1/62 December 31/62
Number of Board Meetings (Included Public Hearings)	52	46	63
Number of Inspections	41,465	41,028	27,249
Number of Business Places Inspected	13,326	13,098	8,894
Number of Employees Affected by Inspections	93,543	75,795	49,671
SETTLEMENTS MADE:			
Overtime Arrears	$ 71,320.85	$ 55,366.27	48,953.33
Holiday Pay Arrears	60,658.66	68,123.12	72,022.96
Under-payment of Minimum Wage	8,018.59	9,261.34	15,854.53
Non-Payment of Wages Due	93,587.90	85,209.88	145,840.24
	$ 239,586.00	$ 217,960.61	282,671.06
Number of Employees Affected By Above Settlements:			
Male	4,397	3368	3032
Female	983	823	1279
Number of Complaints Received	5,380	4191	6547
Number of Employees for whom Weekly Increases obtained to at Least the Minimum Wage:			
Male	45	98	58
Female	135	430	286
TOTAL	180	528	344

	January 1/60 December 31/60	January 1/61 December 31/61	January 1/62 December 31/62
Amount of Weekly Increases Obtained for above employees:			
Male	$ 548.33	$ 478.29	$ 333.69
Female	442.61	1,237.89	841.41
	$ 990.94	$ 1,716.18	$ 1,175.10
Number of Holiday Pay Stamp Books Sold	27,560	28,293	28,585
Amount of Holiday Pay Stamps Sold Under Order No. 6	$ 2,026,697.22	$ 1,925,819.26	$ 2,059,772.68
INDUSTRIAL STANDARDS			
Number of Schedules	30	30	15
Number of Interviews	765	818	807
Number of Inspections	373	509	248
Number of Complaints	87	66	76
PROSECUTIONS			
Number of Businesses Charged	110	74	93
Number of Charges Laid	128	118	125
Convictions	80	80	81
Withdrawn	25	25	24
Dismissed	NIL	7	6
Pending	23	27	41
Appeals	NIL	2	1
Amount of Fines Assessed	$ 3,440.00	$ 2,085.00	$ 2,090.00
Amount of Costs Assessed	442.20	285.70	346.20
Amounts Implicated:			
Minimum	$ 2,162.01	$ 6,184.37	$ 3,890.54
Arrears of Wages	35,131.45	19,190.81	23,613.95
Vacation Pay	7,617.66	8,446.02	4,800.29
	$ 44,911.12	$ 33,821.20	$ 32,304.78

SUMMARY OF COURT CASES - BOARD OF INDUSTRIAL RELATIONS 1962

Disposition of Charges Laid for Infractions of
The Alberta Labour Act, Orders, and The
Industrial Wages Security Act.

		FINES	COSTS	ARREARS	I/D DAYS	INFORMATIONS SWORN	CONVICTIONS	DISMISSALS	WITHDRAWALS	WARRANTS EXECUTED	COMMITTALS	OPEN CASES BROUGHT FORWARD FROM 1961	OPEN CASES OUTSTANDING - END OF 1962
Sec. 11 (1)	Failure to Maintain Time Records	$ 200.00	$ 41.20	$ 206.28	160	9	7		1	1		1	2
Sec. 11 (4)	Failure to Produce Records on Board Order	525.00	71.60	1,551.11	520	23	19		2	3	2	1	3
Sec. 29	Minimum Wage Orders Nos. 1 and 2, old and new.	220.00	30.50	3,713.35	73	12	7	1	4	1		2	2
Sec. 41	Failure to pay all wages	675.00	108.40	21,856.56	306	29	21	2	4	1		13	15
Sec. 43 (5)	Vacation Pay Order No. 5	295.00	69.70	1,951.57	5	22	16		4	1		4	6
Sec. 43 (6)	Vacation Pay Order No. 6	125.00	21.50	1,981.36		14	7		4			2	5
Sec. 43 (8)	Failure to Pay Court Order			867.36		7	2	1	4	2	2	4	4
Sec. 43	Order No. 32					1							1
Sec. 52	Automotive Schedule	50.00	3.30	177.19		3	2						1
Sec. 72 (7)	Part V					4		2					2
Industrial Wages Security Act						1			1				
		$ 2,090.00	$ 346.20	$ 32,304.78	1064	125	81	6	24	9	4	27	41

LABOUR WELFARE - BOARD OF INDUSTRIAL RELATIONS
ANNUAL COMPARATIVE STATEMENT FOR
YEARS 1960, 1961 and 1962

	Housekeeping			Toilets			Lunchrooms			Children			Heat			Chairs			Weights		
	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	1962	1960	1961	19
Outstanding on Jan. 1st.	11	14	13	112	116	74	14	10	21	-	1	1	-	-	-	1	-	1	-	-	-
Number of Instructions Issued	60	40	27	68	47	35	16	28	4	2	2	2	1	-	2	2	2	-	-	2	1
Number of Instructions Completed	57	41	25	64	89	41	20	17	7	1	2	3	1	-	2	3	1	1	-	2	1
Outstanding as of December 31st.	14	13	15	116	74	68	10	21	18	1	1	0	-	-	0	-	1	0	-	-	

Number of Employees involved in new Instructions in 1962

M — 532
F — 221

Total 753

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Masters and Servants Act Cases

It becomes necessary from time to time, due to the Limitation of Action, to advise a claimant of his or her right to proceed under the Masters and Servants Act for the recovery of wages due. Particularly as some employers do not intend to offer settlement of ordinary wage arrears. In some instances the employees, by themselves have been unable to properly present their own cases to the court and as a result do not receive complete compensation which in turn cause an undue hardship on an employee.

Appeal Decisions

The main item occuring during 1962 was the decision of His Honor Judge Fraser by Trial De Nova, following dismissal of charges under the Alberta Labour Act by the learned Magistrate R. Thomas at Wetaskiwin.

Judge Fraser attacked the wording of the charges by stating that they did not give sufficient detail to afford Defense Counsel the opportunity to plead "Autrefois Acquit" or "Autrefois Convict." He stated that information under the Alberta Labour Act should specifically state the name or names of the employees involved in order that there could be no duplicity or conflict-ion with other charges under any Act whereby the specific employee or claimant had instituted for recovery of entitlements.

In view of Judge Fraser's decision the "count system" was put into affect. The informations now list the names of those entitled. Each person or employee's claim so listed constitutes a separate offence and although all are contained on the one Information a plea for each count is taken. This means that pleas of guilty and not guilty could result from the one Information. It may also be said that the count system imposes a higher sentence by way of a fine as the courts must consider the number of employees affected.

As a furtherance to this, the specific amounts due on each count or person are also contained in the Informations under Section 52, 43, and 29 of the Alberta Labour Act.

Other Departments, both Federal and Provincial and including The City and R.C.M.P. have extended complete co-operation and assistance in supplying necessary documentary evidence, effecting arrests, serving subpoena, locating Defendants and Witnesses and in many various ways. The R.C.M.P. have on two occasions in 1962 executed Warrants of Committal and by so doing were instrumental in having the sums assessed by court duly paid.

Industrial Standards Schedules

In the year 1961, fifteen Industrial Standards Schedules were declared no longer in force. The schedules were formulated in a ten year period from 1939 to 1949, and no conferences were convened by the industries covenant. The schedules did not reflect realistic working conditions, rates of pay, or hours of labour and accordingly were rescinded by O.C. 171/62.

THE INDUSTRIAL WAGES SECURITY ACT

A comparative statement as to deposits, exemptions and wage claims under The Industrial Wages Security Act is as follows:

Lumbering Industry	1960	1961	1962
Cash and Dominion of Canada Bonds	57,200.52	40,229.52	39,025.00
Indemnity Bonds	178,050.00	39,278.31	38,150.00
	$235,250.52	$79,507.83	$77,175.00
Exemption Certificates granted	69	89	92
Coal Mining Industry			
Cash and Dominion of Canada Bonds	41,601.07	36,601.07	36,041.07
Indemnity Bonds	2,000.00	1,200.00	1,200.00
	$43,601.07	$37,801.07	$37,241.07
Exemption Certificates granted	30	33	35
TOTAL for lumbering and Coal Industries	$278,851.59	$117,308.90	$114,416.07

Wage claims numbered twenty-three during 1960 and amounted to $2,112.78 - Lumbering Industry

Wage claims 1961 - Nil.

Wage claims 1962 - twenty-one , amounting to $2,096.29 - Coal Industry
- sixty-five, amounting to $10,227.81 - Lumbering Industry

Board Activities - Part V

CERTIFICATIONS	1959	1960	1961	1962
Granted	144	158	140	210
Refused	21	32	42	64
Returned	20	4	7	30
Withdrawn	6	14	3	3
Pending	6	4	20	8
SUSPENSIONS OF CERTIFICATIONS				
Certifications Suspended	26	6	0	0
Applications Refused	9	1	0	0
Applications Withdrawn	0	0	0	0
Application Pending	3	0	0	0
Application Returned	1	1	0	0
REVOCATION OF CERTIFICATIONS				
Certifications Revoked		2	12	14
Applications for Revocation Refused		2	4	9
Applications for Revocation Pending		3	1	1
CONCILIATIONS				
Completed (Settled)	97	74	78	48
Pending	10	20	16	16
Withdrawn	5	6	6	16
To Conciliation Board	48	35	39	58
Lapsed	2	0	0	3
CONCILIATION BOARDS				
Unanimous Awards	21	13	16	18
Majority Awards	7	11	14	3
Pending	4	3	3	13
Dissent by Employers Member	3	9	9	3
Dissent by Employees Member	4	2	3	0
Dissent by both members in different clauses			2	0

Some Conciliation Boards dealt with disputes involving more than one employer.

CONCILIATION BOARD AWARDS				
Accepted by Both Parties	3	7	2	8
Accepted by Employers Only	1	4	16	1
Accepted by Employees Only	15	17	52	61
Rejected by Both Parties	3	9	49	4
Settled before Award Submitted	6	0	2	11

VOTES	1959	1960	1961	1962
Re: - Appointment of Bargaining agent	37	15	11	41
Re: - Conciliation Board Awards	20	20	143	60
Re: - Suspension of Certification	18	5	0	0
Re: - Strike Action	6	15	45	37
Re: - Revocation of Certification		2	8	12
Re: - Section 104 of The Alberta Labour Act		4	3	41

STRIKES AND LOCKOUTS

After Provisions of The Alberta Labour complied with

Strikes	1	4	5	14
Lockouts	0	1	0	0

Numbers involved in Legal Strikes and Lockouts

Employers	1	5	4	14
Employees	36	1177	598	425

Numbers involved in Illegal Strikes reported to the Board

Employers	0	0	0	0
Employees	0	0	0	0

Board Activities

During the past year the increase in activities in the field of Labour relations continued and practically all aspects of this field of the work of the Board increased. As has been the trend in past years, the problems facing the Board have increased in variety and are becoming to a greater extent dependent on legal interpretations and technicalities. This is a natural trend as labour relations becomes a more specialized field and as the persons involved both management and labour become more experienced.

In the past year action by way of certioreri has been taken in a few cases with a view to quashing Board decisions respecting the certification of trade unions as bargaining agent, principally on technical grounds. In some instances the certification as bargaining agent issued by the Board has been quashed.

In the light of the increase in the minimum wage established by amending Orders of the Board in 1961, the Board reviewed the Orders of limited application respecting hours of work and minimum wages and increased the minimum wage in such Orders correspondingly.

The Board, after hearing representations from the Canadian Petroleum Association, amended Geophysical Exploration Industry Order No. 10 and Oil Well Service Industry Order No. 29, providing that days of rest may be accumulated during the months of January to March each year to assist the industry in carrying out its operations during the period when the more undeveloped parts of the Province are more readily accessible.

Hours of Work Minimum Wage Order No. 26 was amended to include within its scope salesmen registered under The Investment Contracts Act.

Land Surveying Industry Order No. 24 was amended to be applicable outside of centres of over 5,000 population only, in line with the amendment to Hours of Work Order No. 22 passed in the previous year.

Hours of Work Order No. 11 was amended to include in its application Jasper National Park and Waterton Lakes National Park.

A new Student Order was issued, Part-Time Student Order No. 8 now being applicable only to students employed part-time, the minimum wage being established at 55 cents per hour for those under 17 years of age and 65 cents per hour for those over 17 years of age.

Appr. No. 1705-A
Particulars

B. Expenses

		Estimates 1962 to 1963	Proposed Estimates 1963 to 1964	Final Estimates	Amount Expended Sept. 30 1962
100	Accountable Advances				
130	Advertising	500.00	500.00	500.00	
145	Automobile Purchase	4,000.00	3,000.00	3,600.00	
305	Entertainment Expenses	200.00	200.00	200.00	24.15
320	Fees & Commissions (Include Convention Registration)	18,000.00	18,000.00	18,000.00	4,870.00
335	Freight, Express & Cartage	100.00	100.00	100.00	56.79
350	Furnishings, Equipment & Tools	850.00	1,500.00	1,750.00	527.00
495-605	Materials and Supplies (Administrative & Operating)	9,400.00	9,000.00	9,000.00	3,770.47
610-650	Materials and Supplies (Construction & Maintenance)				
680	Miscellaneous Expenses	80.00	50.00	50.00	5.16
740	Postage	3,000.00	3,000.00	3,000.00	1,067.70
770-785	Rentals	1,000.00	1,000.00	1,000.00	10.00
795	Repair & Maintenance (Equipment & Tools)				
800	Repair & Maintenance (Office Machines)	1,000.00	1,000.00	1,000.00	414.84
805	SALARIES	301,315.00	319,460.00	319,460.00	139,258.93
825	Telephone & Telegraph	2,000.00	2,000.00	2,000.00	715.17
860-915	Travel Expense (Include Car Expense)	22,160.00	25,000.00	25,000.00	10,234.02
960-970	Utilities				
980	Wages				
845	Travelling Not Public Servants	4,700.00	5,000.00	5,000.00	2,097.24
Other					
TOTAL		$368,305.00	$388,810.00	$389,660.00	$163,051.47

Increase or decrease in staff - One Chief Conciliation Officer.
Give details